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FILED

IN THE CIRCUIT COURT OF STONE COUNTY, MISSISSIPPI

IN RE: DEPARTMENT OF AUDITORS DEC 18 2018

INVESTIGATION OR AUDIT OF STONE COUNTY, MISS.
Stone County Circuit Clerk, Jeffery O'Neal, CIR. CLK.

MISC. DOCKET No. 2018-215

CV 18-215

**APPLICATION FOR APPROVAL OF THE ISSUANCE
OF SUBPOENA DUCES TECUM BY STATE AUDITOR**

1. This is an ex parte application to a Circuit Court Judge of Stone County, State of Mississippi, by Shad White, State Auditor of the State of Mississippi and/or his designee, for a subpoena duces tecum for certain records, documents and/or other evidence now in possession of the Circuit Clerk of Stone County, which relate to dealings with the State of Mississippi, and/or Stone County Circuit Clerk. These parties are under the investigation and audit authority of the Department of Audit of the State of Mississippi. A copy of the original subpoena (as signed and sealed by said State Auditor and/or his designee) is attached hereto and incorporated herein; said application is authorized by Section 7-7-211 (i), Mississippi Code of 1972, and is filed pursuant to Rule 81(b), Mississippi Rules of Civil Procedure.

2. The Department of Audit has received information that records, documents and/or other evidence relating to dealings with Stone County Circuit Clerk are subject to the investigation and audit powers of the Department of Audit, pursuant to Section 7-7-211, that are in the possession of the Circuit Clerk of Stone County.

3. Section 7-7-211(i), Mississippi Code of 1972, authorizes the issuance of subpoenas by the Department of Audit, with the approval of, and returnable to, a judge of a chancery or circuit court, in term time or in vacation, to examine the records, documents or other evidence of persons, firms, corporations and any other entities insofar as such records, documents

or other evidence relate to dealings with any state, county or other public entity; and § 7-7-211(i) further provides that the circuit or chancery judge must serve the county in which the records, documents or other evidence is located, or where all or part of the transaction or transactions occurred which are the subject of the subpoena.

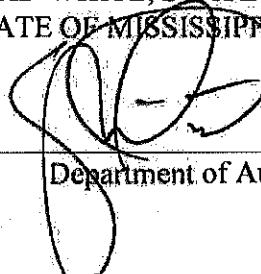
4. In the course of its investigation or audit, the Department of Audit has received information, believed to be reliable, that the Circuit Clerk of Stone County is now in possession of the items described on the subpoena duces tecum which are required for examination and analysis by the Department of Audit in the performance of its statutory and mandatory duties under Miss. Code Ann. §7-7-211, and that a Circuit Court Judge of Stone County serves the county in which the records, documents and other evidence are located, or where all or part of the transaction or transactions occurred which are the subject of the subpoena.

WHEREFORE, Shad White, in his official capacity as State Auditor for the State of Mississippi, requests a Judge of the aforesaid Court to approve the State Auditor's issuance of the subpoena duces tecum presented herewith, copy of which is attached to this application.

Respectfully submitted,

SHAD WHITE, STATE AUDITOR
STATE OF MISSISSIPPI

By: _____


Department of Audit

FILED

SUBPOENA DUCES TECUM OF STATE AUDITOR OF THE STATE OF MISSISSIPPI 7 2018

TO: Circuit Clerk of Stone County
323 East Cavers Avenue
Wiggins, MS 39577

STONE COUNTY, MISS.
BY Jefferey L. O'Neal, Circ. CLK
Jefferey O'Neal O.C.

YOU ARE HEREBY COMMANDED to appear at the Stone County Courthouse, Wiggins, Mississippi on the 21 st day of November, 2018 at 10 o'clock a.m., before the Honorable Christopher Schmidt, Circuit Court Judge of the Circuit Court of Stone County, Mississippi, in an investigation or audit being conducted by the Department of Audit of the State of Mississippi pursuant to Section 7-7-211, Mississippi Code of 1972, and to produce in electronic format whenever available the following records, documents and/or other evidence:

Any and all information related to Annual Financial Reports as required in Section 9-1-45, Mississippi Code of 1972, for the periods January 1, 2016 through December 31, 2016 and January 1, 2017 through December 31, 2017.

In lieu of appearing, you may deliver the documents to Suezette Hankins, Auditor with the Office of the State Auditor, P. O. Box 956, Jackson, Mississippi 39205, Phone 601-576-2633.

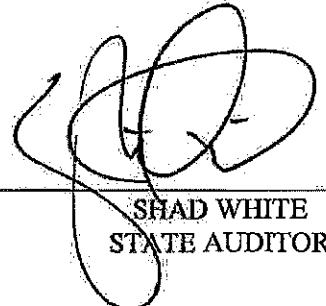
You are advised that the undersigned Circuit Court Judge of the Circuit Court of Stone County, State of Mississippi, has approved the ex parte and in camera application of the State Auditor to issue this subpoena pursuant to the provisions applicable to an investigation or audit by the State Auditor as set forth in Section 7-7-211 (i), Mississippi Code of 1972.

This subpoena shall remain in effect until the documents, records and/or other evidence subpoenaed herein have been produced and examined by the State Auditor or his designee.

Herein fail not, under penalty of law.

ISSUED BY AND UNDER THE SEAL OF THE STATE AUDITOR OF THE STATE OF MISSISSIPPI, this the 6th day of November, 2018.




SHAD WHITE
STATE AUDITOR

APPROVED this the 7th day of November, 2018.


CIRCUIT COURT JUDGE

FILED

NOV 7 2018

IN THE CIRCUIT COURT OF STONE COUNTY

STONE COUNTY, MISS.

JEFFEREYL L. O'NEAL, CIR. CL.

BY *June O'Neal* D.C.

IN RE: DEPARTMENT OF AUDIT'S
INVESTIGATION OR AUDIT OF
Stone County Circuit Clerk, Jeffrey O'Neal

MISC. DOCKET No. 2018-215

ORDER FOR SUBPOENA FOR FINANCIAL (OR OTHER) RECORDS

This matter having come on this day to be heard upon the *ex parte* motion of the State of Mississippi, Office of the State Auditor, moving that this Court issue an Order for a subpoena duces tecum for certain records, documents and/or other evidence now in possession of the Circuit Clerk of Stone County, which relate to dealings with Stone County Circuit Clerk, to the Office of the State Auditor, attention Performance Auditor Suezette Hankins. This Subpoena Duces Tecum may be satisfied by delivering to said Auditor the records aforesaid.

Compliance with this order should be within ten (10) days of service.

ORDERED AND ADJUDGED this the 7th day of Nov., 2018.

CL SCDW/20
CIRCUIT COURT JUDGE

CIRCUIT COURT
MINUTE

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RETURN OF SERVICE

I, Karen McDonald, the undersigned, as a duly appointed agent of the Office of State Auditor of the State of Mississippi, have this the 7th day of November 2018, personally served above subpoena duces tecum on Tony O'Dell, a duly appointed agent for service of process, where I found said person(s) in Stone County of the State of Mississippi at the following address:

323 E Covens Ave
Wiggins MS 39577

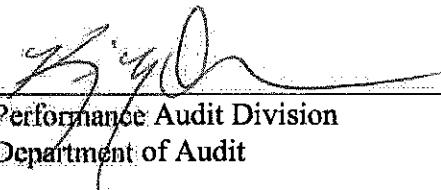

Performance Audit Division
Department of Audit

Address:

AGENT'S INVENTORY AND RECEIPT

I, Karen McDonald, a duly appointed agent of the Office of State Auditor of the State of Mississippi, have delivered to Chancery Court Judge of Stone County, Circuit Court Judge of Stone County, Mississippi, the within subpoena duces tecum, a list of which items are set forth above. I hereby acknowledge receipt of said items from the aforesaid Judge for purposes of examination and analysis by the Department of Audit of the State of Mississippi.

This the 7th day of November, 2018.


Performance Audit Division
Department of Audit

*For delivery to height Ann Anderson
11/21/2018 C 3:08 PM*